

EXHIBIT “A”

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

PATRICIA J. DeMASIE,
EXECUTRIX of the Estate of
RILEY D. DeMASIE, Deceased
243 DORNOCH STREET
CORTLAND, OHIO 44410

and

PATRICIA J. DeMASIE
243 DORNOCH STREET
CORTLAND, OHIO 44410

PLAINTIFFS

vs.

MICHAEL WILLIAM WISE
306 PENN AVENUE
KNOX, PENNSYLVANIA 16232

and

ESTES EXPRESS LINES
6848 MOUNT HERMAN ROAD
MORRISVILLE, NORTH CAROLINA 27560

and

JOHN DOE INC.
(NAME UNKNOWN)
(ADDRESS UNKNOWN)

and

RICHARD ROE INC.
(NAME UNKNOWN)
(ADDRESS UNKNOWN)

DEFENDANTS

CASE NUMBER: AB/12CV/1704

JUDGE Dagan

COMPLAINT

OTHER TORTS
PERSONAL INJURY
MOTOR VEHICLE ACCIDENT

JURY DEMAND
ENDORSED HEREON

2012 JUL 26 PM 12:44
TRUMBULL
CLERK OF COURTS

FIRST CLAIM FOR RELIEF

Now comes the Plaintiff, PATRICIA J. DeMASIE, Executrix of the Estate of RILEY D. DeMASIE, and for this first claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., says:

1. Plaintiff, PATRICIA J. DeMASIE, Executrix of the Estate of RILEY D. DeMASIE, was duly appointed as the Estate representative by the Trumbull County Probate Court in Case No. 2012-EST-0285.
2. RILEY D. DeMASIE, deceased, died on January 3, 2012.
3. On or about October 20, 2010, RILEY D. DeMASIE, now deceased, was a passenger in an automobile driven by his wife, PATRICIA J. DeMASIE.
4. The automobile driven by PATRICIA J. DeMASIE was driving south on State Route 46 in Howland Township, Trumbull County, Ohio.
5. At the same time and place, Defendant, MICHAEL WILLIAM WISE, was driving his semi-tractor trailer north on State Route 46 and attempted to make a left turn onto the State Route 82 west entrance ramp in Howland Township, Trumbull County, Ohio.
6. Defendant, MICHAEL WILLIAM WISE, failed to yield the right-of-way, made an improper left turn and negligently entered the south-bound lanes of State Route 46 causing a violent collision with the vehicle being driven by Patricia J. DeMasie and occupied by Riley D. DeMasie.
7. Defendant, MICHAEL WILLIAM WISE, at the time of the collision, was operating his vehicle on behalf of, as an agent for, or for the benefit of Defendants,

ESTES EXPRESS LINES, JOHN DOE INC. and/or RICHARD ROE INC.

8. Plaintiff could not discover the names of Defendants, JOHN DOE INC. and RICHARD ROE INC., even though reasonable efforts were made.

9. As a direct and proximate result of the negligence and carelessness of the Defendant, MICHAEL WILLIAM WISE, RILEY D. DeMASIE suffered personal injuries, was required to seek out medical care and hospital attention, suffered great pain of mind and body, incurred financial obligations as well as other injury, damage and loss including, but not limited to, property damage, until his death.

10. Riley D. DeMasie suffered a loss of enjoyment of life and an inability and/or discomfort in performing his usual daily activities before his death. Riley D. DeMasie suffered injuries, except those of a superficial nature, which circumstances continued until his death.

SECOND CLAIM FOR RELIEF

Now comes the Plaintiff, PATRICIA J. DeMASIE, and for this second claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., says:

11. Plaintiff, PATRICIA J. DeMASIE, incorporates each and every allegation contained in Paragraphs 1 through 10 as if fully rewritten herein.

12. As a direct and proximate result of the negligence and carelessness of the Defendant, MICHAEL WILLIAM WISE, PATRICIA J. DeMASIE suffered personal injuries, was required to seek out medical care and hospital attention, suffered great pain of mind and body, incurred financial obligations as well as other injury, damage and loss including, but not limited to, property damage, all of which circumstances will

continue into the future.

13. Plaintiff, PATRICIA J. DeMASIE'S, injuries, except those of a superficial nature, are permanent.

14. Plaintiff, PATRICIA J. DeMASIE, has suffered a loss of enjoyment of life and an inability and/or discomfort in performing her usual daily activities, all of which circumstances will continue indefinitely into the future..

15. Plaintiff, PATRICIA J. DeMASIE, has suffered a loss of earnings and an impairment of her earning capacity, all of which circumstances will continue indefinitely into the future.

THIRD CLAIM FOR RELIEF

Now comes the Plaintiff, PATRICIA J. DeMASIE, and for this third claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., says:

16. Plaintiff, PATRICIA J. DeMASIE, incorporates each and every allegation contained in Paragraphs 1 through 15 as if fully rewritten herein.

17. Plaintiff, PATRICIA J. DeMASIE, says that she was the wife of RILEY D. DeMASIE, now deceased, and was so at all relevant times contained in this Complaint.

18. The Plaintiff, PATRICIA J. DeMASIE, says that as a result of the Defendant, MICHAEL WILLIAM WISE'S, negligence and the personal injuries suffered by her husband, RILEY D. DeMASIE, she lost the care, comfort, services, society and consortium of her husband and that such circumstances and loss continued until his death.

FOURTH CLAIM FOR RELIEF

Now comes the Plaintiff, PATRICIA J. DeMASIE, Executrix of the Estate of RILEY D. DeMASIE, and for this fourth claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., says:

19. Plaintiff, PATRICIA J. DeMASIE, Executrix, incorporates each and every allegation contained in Paragraphs 1 through 18 as if fully rewritten herein.

20. Plaintiff, PATRICIA J. DeMASIE, says that RILEY D. DeMASIE was her husband and was so at all relevant times contained in this Complaint.

21. The Plaintiff, PATRICIA J. DeMASIE, Executrix, says that as a result of the Defendant, MICHAEL WILLIAM WISE'S, negligence and the personal injuries suffered by her, RILEY D. DeMASIE, now deceased, lost the care, comfort, services, society and consortium of his wife and that such circumstances and loss continued until the date of RILEY D. DeMASIE'S death.

WHEREFORE, Plaintiff, PATRICIA J. DeMASIE, Executrix of the Estate of RILEY D. DeMASIE, demands judgment on her first claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., in an amount in excess of TWENTY-FIVE THOUSAND AND 00/00 (\$25,000.00) DOLLARS plus interest, costs, attorney fees and all other appropriate relief.

Plaintiff, PATRICIA J. DeMASIE, demands judgment on her second claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., in an amount in excess of TWENTY-FIVE

THOUSAND AND 00/00 (\$25,000.00) DOLLARS plus interest, costs, attorney fees and all other appropriate relief.

Plaintiff, PATRICIA J. DeMASIE, demands judgment on her third claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., in an amount in excess of TWENTY-FIVE THOUSAND AND 00/00 (\$25,000.00) DOLLARS plus interest, costs, attorney fees and all other appropriate relief.

Plaintiff, PATRICIA J. DeMASIE, Executrix of the Estate of RILEY D. DeMASIE, demands judgment on her fourth claim for relief against the Defendants, MICHAEL WILLIAM WISE, ESTES EXPRESS LINES, JOHN DOE INC. and RICHARD ROE INC., in an amount in excess of TWENTY-FIVE THOUSAND AND 00/00 (\$25,000.00) DOLLARS plus interest, costs, attorney fees and all other appropriate relief.

A Trial by jury is hereby demanded.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFFS

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please issue Service of Summons and a copy of the Complaint to the Defendants, MICHAEL WILLIAM WISE and ESTES EXPRESS LINES, at the addresses noted in the caption of the Complaint by certified mail, return receipt requested, making same returnable according to law.

When Plaintiffs discover the names of the Defendants, JOHN DOE INC. and RICHARD ROE INC., and amend the Complaint, please issue Summons containing the words "NAME UNKNOWN" and attach thereto to original Complaint to be served upon the JOHN DOE INC. and RICHARD ROE INC. Defendants identified by the Plaintiffs. The Plaintiffs will provide instructions for serving the Amended Complaint with the identified Defendants in such pleadings when filed.

James A. Fredericka
JAMES A. FREDERICKA